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FISCAL IMPACT STATEMENT

LS 6264

BILL NUMBER: HB 1113

NOTE PREPARED: Nov 18, 2010

BILL AMENDED:

SUBJECT: Authorized Emergency Vehicles.

FIRST AUTHOR: Rep. Pond

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
☐ FEDERAL

IMPACT: State & Local

Summary of Legislation: *Sirens & Emergency Lights on Authorized Emergency Vehicles-* The bill provides that a police vehicle must be equipped with a siren and a red and blue emergency signal lamp in order for certain traffic stops to be valid. It provides that an authorized emergency vehicle must use a siren when the authorized emergency vehicle is operated in the immediate pursuit of an actual or suspected violator of the law.

Resisting Law Enforcement- The bill provides that an individual commits resisting law enforcement if the individual flees from a law enforcement officer after the officer has, by visible and audible means, including operation of the law enforcement officer's siren and emergency lights, identified himself or herself as a law enforcement officer and ordered the individual to stop. (Current law requires only identification by visible or audible means.)

Suspension of Operator License- The bill adds a person's conviction for resisting law enforcement through operation of a motor vehicle resulting in the death of a law enforcement officer to the list of convictions for which a court may order the Bureau of Motor Vehicles to suspend any or all of the person's operator's license, certificates of registration, and license plates to reconcile a conflict created by P.L.100-2010, SECTION 6, and P.L.102-2010, SECTION 2.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Sirens & Emergency Lights on Authorized Emergency Vehicles-* This provision would not have a fiscal impact on the Indiana State Police (ISP). All ISP marked, unmarked, investigative, and undercover vehicles are equipped with a police radio, red/blue lights, and siren.

Suspension of Operator License- The Bureau of Motor Vehicles (BMV) would be able to process a suspended or revoked license with a minimal increase in the use of staff time or existing resources. There are a handful of persons committed to a Department of Correction (DOC) facility for Class B or C felony vehicular resisting law enforcement per year. The BMV is already required under P.L. 100-2010 and P.L. 102-2010 to suspend or revoke the license of a person convicted of a Class B, C, or D felony, if so notified by the trial court. It is likely there would be few Class A felony violators' licenses to revoke or suspend in a given year.

Background Information- The BMV reports the following number of traffic citations from 1999-2009.

Table A. Traffic Citations Issued.		
Year	Traffic Citations Issued	Annual Percent Change of Citations Issued
1999	656,469	n/a
2000	795,687	21.2%
2001	822,724	3.4%
2002	826,381	0.4%
2003	907,723	8.7%
2004	835,112	-8.0%
2005	789,062	-5.5%
2006	708,414	-10.2%
2007	882,669	24.6%
2008	908,016	2.9%
2009	715,228	-21.2%

Suspended Licenses for Felony Resisting Law Enforcement in a Vehicle- Under current law, a person may be charged with a Class A, B, C, or D felony for resisting law enforcement with a vehicle. P.L. 100-2010 and P.L. 102-2010 added the Class A felony for use of a vehicle causing the death of a law enforcement officer while resisting arrest.

The following table illustrates the number of persons committed to a DOC facility following a conviction of a Class B or C felony involving a vehicle while resisting law enforcement.

Table B. New B & C Felony Commitments Resisting Law Enforcement in a Vehicle		
Year	Number of New B Felonies (Death of a Person)	Number of New C Felonies (Injury of a Person)
2006	1	3
2007	2	4
2008	3	4
2009	3	3
TOTAL 2006-2009	9	14
AVERAGE	2	4

As Table B. illustrates, an average of two offenders were committed annually to DOC over the past four years for causing death with a vehicle while resisting arrest. Additionally, an average of four offenders were committed annually to the DOC for causing injury to a person with a vehicle while resisting arrest during the same time period. The persons injured or killed were not necessarily law enforcement officers.

Explanation of State Revenues:

Explanation of Local Expenditures: *Sirens & Emergency Lights on Authorized Emergency Vehicles-* The provision would have an unknown effect on the total number of citations issued by law enforcement officers during a year. An unknown number of law enforcement vehicles may need to be refitted with the proper lights or sirens as required by the bill. The total expenditure necessary is unknown and would depend on local law enforcement agencies' installation needs plus available funding.

Resisting Law Enforcement- Penalty Provision: A Class A misdemeanor is punishable by up to one year in jail.

Explanation of Local Revenues: *Resisting Law Enforcement- Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees.

State Agencies Affected: BMV.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: BMV; DOC correctional facility average daily membership data; Indiana State Police.

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